

SENATE BILL 2584

By Norris

AN ACT to amend Tennessee Code Annotated, Title 37,
relative to reporting and accountability standards
in the juvenile justice system.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 1, is amended by adding the following as a new part:

37-1-901. In December of each year, commencing with 2016, the department of children's services (department) shall report annually to the governor, the chief clerk of the senate, and the chief clerk of the house of representatives on the department's operations and the condition of probation services in the state during the previous year. The report:

(1) May include recommendations; and

(2) Shall include:

(A) An evaluation of the effectiveness of any juvenile court probation department or any person or agency designated by the court to provide probation services under § 37-1-131 or § 37-1-132; and

(B) Information comparing the cost of a child participating in a program described by subdivision (A) with the cost of committing the child to the department.

37-1-902.

(a) In any contract entered into or renewed on or after July 1, 2016, with counties or juvenile courts for local probation services, the department shall include:

(1) Clearly defined contract goals, outputs, and measurable outcomes that relate directly to program objectives;

(2) Clearly defined sanctions or penalties for failure to comply with or perform contract terms or conditions; and

(3) Clearly specified accounting, reporting, and auditing requirements applicable to money received under the contract.

(b) The department shall require each local juvenile probation department to:

(1) Include the provisions of subsection (a) in any contract entered into or renewed on or after July 1, 2016, with private service providers that involve the use of state funds; and

(2) Use data relating to the performance of private service providers in prior contracts as a factor in selecting providers to receive contracts.

(c) The department shall consider the past performance of the board of a community service agency or other private probation services agency when contracting with the agency for local probation services other than basic probation services. In addition to the contract standards described in subsection (a), a contract with the board of a community service agency or other private probation services agency, for services other than basic probation services, shall:

(1) Include specific performance targets for the private probation services agency based on the agency's historic performance of the services; and

(2) Require a private probation services agency to report on the agency's success in meeting the performance targets described by subdivision (c)(1).

37-1-903.

(a) The department shall conduct continuing inquiry into the effectiveness of the treatment methods the department employs in the reformation of children. The department shall maintain a record of arrests and commitments of its wards following their discharge from the jurisdiction of the department and shall tabulate, analyze, and publish biennially the data for use in evaluating the relative merits of treatment methods.

(b) The department shall cooperate with courts and private and public agencies in the collection of statistics and information.

37-1-904.

(a) The board of a community service agency or other private probation services agency shall develop a strategic plan. The plan shall:

- (1) Identify short-term and long-term policy goals;
- (2) Identify time frames and strategies for meeting the goals identified under § 37-1-902 (c)(1);
- (3) Estimate population projections, including projections of population characteristics;
- (4) Estimate short-term and long-term capacity, programmatic, and funding needs;
- (5) Describe intensive service and surveillance parole pilot programs to be developed by each board or jointly;
- (6) Include an evaluation of aftercare services emphasizing concrete outcome measures, including recidivism and educational progress;
- (7) Identify objective criteria for the various decision points throughout the continuum of juvenile justice services and sanctions to guard against disparate treatment of minority youth;
- (8) Identify outcome measures by which to evaluate the effectiveness of services provided to youth in the juvenile justice system;
- (9) Include a plan of implementation for the development of common data sources and data sharing among the department, juvenile probation departments, the department of health, the department of human services, the

department of education, and any other state agency, department, or commission that serve youth in the juvenile justice system;

(10) Include the development of new, or the improvement of existing, validated risk assessment instruments;

(11) Include strategies to determine which programs are most effective in rehabilitating youth in the juvenile justice system;

(12) Include planning for effective aftercare programs and services, including ensuring that youth in the juvenile justice system have personal identification and appropriate referrals to service providers; and

(13) Track performance measures to illustrate the costs of different levels of treatment and to identify the most cost-effective programs in each component of the juvenile justice system in this state.

(b) The board of a community service agency or other private probation services agency board shall make its best effort to develop regularly updated performance measures of the effectiveness of programs and services on outcomes for youths, public safety, and victims, make those measures publicly available online, and use those measures in determining funding levels for programs and services.

37-1-905.

(a) From funds appropriated in the general appropriations act, the department shall maintain a specific accountability system for tracking funds targeted at making a positive impact on youth. The department shall implement a tracking and monitoring system so that the use of all funds appropriated can be specifically identified and reported to the finance, ways and means committee of the senate and the finance, ways and means committee of the house of representatives. In addition to any other requests for information, the department shall produce an annual report on the following

information for the previous fiscal year to the finance, ways and means committee of the senate and the finance, ways and means committee of the house of representatives by December 1 of each year.

(b) The report shall include detailed monitoring, tracking, utilization, and effectiveness information on all funds appropriated for each type of program. The report shall include information on the impact of any new initiatives and all programs tracked by the department. Required elements include, but are not limited to, information on:

- (1) Prevention and intervention programs;
- (2) Residential placements;
- (3) Enhanced community-based services for serious and chronic felons such as sex offender treatment;
- (4) Intensive supervision;
- (5) Specialized supervision, community-based services for misdemeanants no longer eligible for commitment to the department;
- (6) Training conferences held;
- (7) Practitioners trained;
- (8) Facilities inspected; and
- (9) Investigations conducted.

(c) The report shall include information on all:

- (1) Training;
- (2) Inspection;
- (3) Monitoring;
- (4) Investigation; and
- (5) Technical assistance activities conducted using funds appropriated for the purposes of this part.

(d) The annual report submitted to the finance, ways and means committee of the senate and the finance, ways and means committee of the house of representatives pursuant to this section shall:

(1) Be accompanied by supporting documentation detailing the sources and methodologies utilized to assess program effectiveness and any other supporting material specified by the finance, ways and means committee of the senate and the finance, ways and means committee of the house of representatives;

(2) Contain a certification by the person submitting the report that the information provided is true and correct based upon information and belief together with supporting documentation; and

(3) Contain information on each juvenile justice program receiving funds from the general appropriations act, including all outcome measures reported by each program and information on how funds were expended by each program.

37-1-906.

(a) In addition to the annual report described in § 37-1-905, the department shall report juvenile probation population data as requested by the senate finance, ways and means committee and the finance, ways and means committee of the house of representatives on a monthly basis for the most recent month available. The department shall report to the senate finance, ways and means committee and the finance, ways and means committee of the house of representatives on all populations specified by the senate finance, ways and means committee and the finance, ways and means committee of the house of representatives, including, but not limited to, additions, releases, and end-of-month populations. End-of-fiscal-year data shall be submitted indicating each reporting county to the senate finance, ways and means committee and

the finance, ways and means committee of the house of representatives no later than two (2) months after the close of each fiscal year. The department shall use the senate finance, ways and means committee and the finance, ways and means committee of the house of representatives population projections for probation supervision and state correctional populations when developing its legislative appropriations request for the 2016-2017 fiscal year. Upon the request of the senate finance, ways and means committee and the finance, ways and means committee of the house of representatives, the department shall report expenditure data by strategy, program, or in any other format requested.

(b) The comptroller of the treasury shall not allow the expenditure of funds appropriated by the general appropriations act for implementation of this part to the department if the department certifies to the comptroller that the department is not in compliance with any of the provisions of this part.

SECTION 2. This act shall take effect July 1, 2016, the public welfare requiring it.